UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,893	02/13/2001	Binnur Al-Kazily	10002407-1	3399

22879 7590 06/07/2004		EXAMINER
HEWLETT PACKARD COMPANY		RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/783,893	AL-KAZILY, BINNUR
	Examiner	Art Unit
	Rob Rhode	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 March 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 4-2-03 amended claims 1, 14 and 19 and canceled

claim 12 as well as traversed rejections of Claims 1 - 20.

Currently, claims 1 - 11 and 13 - 20 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The claim language regarding

"establishing a financial tend" is not clear. For example, the "accountor" is not

"*establishing* a financial trend", rather it would be "determining" per the claim language

of "tracking". Moreover, the phrase "establishing a financial trend" is extremely broad,

which makes the interpretation and establishing the metes and bounds of the claim

almost impossible. The interpretation for examination purposes for "financial trends" will

be interpreted as " historical and future inventory trend analysis".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 3, 13 – 14 and 16 - 20 rejected under 35 U.S.C. 103(a) as being

unpatentable over Manchala (US 6,405,178 B1) in view of Salvo (US 6,341,271 B1).

Regarding claim 1 and related claims 14 and 19, Manchala teaches a purchasing

system, the purchasing system buying consumer items from a communications network

business through a communications network based on purchasing information gathered

from a user environment in accordance with parameters provided by a user, comprising:

(a) a monitoring unit linked with the user environment, the monitoring unit obtaining

purchasing information from the user environment in accordance with parameters

provided by a user (see at least Abstract); (b) a purchasing unit linked with the

monitoring unit, the purchasing unit generating a consumer item order by assessing the

purchasing information (see at least Abstract and Col 3, lines 23 – 36);

While Manchala does disclose tracking and reordering, the reference however, does not

specifically disclose (c) an accountor linked with the purchasing unit for tracking each

consumer item order executed by the purchasing unit and establishing a financial trend.

On the other hand, Salvo discloses an accountor linked with the purchasing unit for tracking each consumer item order executed by the purchasing unit and establishing a financial trend (See at least Abstract, Col 3, lines 42 – 62 and Figures 1 – 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method, system and computer code of Manchala with the method, system and computer code of Salvo to enable a purchasing system, the purchasing system buying consumer items from a communications network business through a communications network based on purchasing information gathered from a user environment in accordance with parameters provided by a user, comprising: (a) a monitoring unit linked with the user environment, the monitoring unit obtaining purchasing information from the user environment in accordance with parameters provided by a user and a (b) a purchasing unit linked with the monitoring unit, the purchasing unit generating a consumer item order by assessing the purchasing information; (c) an accountor linked with the purchasing unit for tracking each consumer item order executed by the purchasing unit and establishing a financial – in order to enable a method and system which will include automatic monitoring of required user/consumer repairs required and/or consumables as well monitoring user/consumer inventory levels and automatic ordering. Manchala discloses a monitoring unit linked to the under, which obtains purchasing information in accordance with user parameters and purchasing unit, which generates an order (Abstract and Col 3, lines 20 – 36). Salvo discloses an accountor linked with the purchasing unit for tracking each consumer

item ordered and establishes a trend (Abstract, Col 3, lines 42 – 49 and Figure 3). In

this regard, one of ordinary skill in the art would have been motivated to extend

Manchala with a method and system with an accountor linked with the purchasing unit

for tracking each consumer item order executed by the purchasing unit and establishing

a financial. Thereby, the user/consumer does not have to be concerned with

consumables and/or repairs ordering - since the system will automatically handle these

tasks. Moreover, the user/consumer satisfaction will be enhanced with the vendor

through these cost reduction techniques and ease of use – as well as reducing

inventory cost.

Regarding claim 2, Manchala teaches a purchasing system wherein the user

environment includes: (a) a network plugin device; (b) a peripheral device; and

(c) a database device (see at least Abstract and Col 1, lines 37 - 61). Please note that

Manchala does disclose a network plugin device as well as a peripheral device, which

can and often are the same device. However, Manchala does not disclose specifically a

database but does disclose an ecommerce system as well as inventory system. In that

regard, it was old and well known to one of ordinary skill in the art that these methods

and systems include a database device. Thereby, one of ordinary skill would have been

motivated to extend Manchala specifically to disclosing a database in order to store

inventory information.

Regarding claim 3, Manchala teaches a purchasing system according further

comprising a trader unit linked with the purchasing unit and with the communications

network, the trader unit for selecting a communications network business for the

consumer item order (see at least Col 4, lines 27 – 49).

Regarding claim 13, Manchala teaches a purchasing system wherein the

communications network comprises the Internet (Col 1, lines 37 – 38).

Regarding claim 16, Manchala teaches a computer code product wherein the

second computer code product includes computer code product for assessing the

purchasing information from the first computer code product and for generating a

consumer item order (see at least Abstract and Col 3, lines 23 – 36) and (17) further

comprising: a third computer code product for buying a consumer item from the

communications network based on the consumer item order (see at least Abstract and

Col 1, lines 14 – 15) as well as (18) wherein the third computer code product includes

computer code product for selecting a communications network business in accordance

with the consumer item order (see at least Abstract, Col 1, lines 14 – 15 and Col 2, line

37).

Regarding claim 20, Manchala teaches a method further comprising the steps of: (a)

linking a trader unit with the purchasing unit and with the communications network (see

at least Col 2, lines 35 - 44); and (b) buying a consumer item from the communications

network with the trader unit based on the consumer item order (see at least Col 3, lines

31 - 36).

Claims 4 – 11 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the combination of Manchala and Salvo as applied to claim 2,

above, and further in view of Slotznick (US 5,983,200).

The combination of Manchala and Salvo substantially disclose and teach the applicant's

invention.

While the combination of Manchala and Salvo does disclose a purchasing system with a

order collection system for sensing demand, the combination does not specifically

disclose and teach a purchasing system wherein the monitoring unit includes: (a) an

order collection system for sensing a consumer item demand signal from the user

environment; and (b) an intelligent monitoring agent linked with the order collection

system and with the purchasing unit for generating purchasing information from the

consumer item demand signal; and wherein the monitoring unit further includes an

inventory collection system linked with the intelligent monitoring agent for sensing a

consumer item stock signal from the user environment; and wherein the purchasing

unit includes an intelligent purchasing agent linked with the intelligent monitoring agent

and with the trader unit for assessing the purchasing information; and wherein the

intelligent purchasing agent accesses purchasing information from the inventory

collection system to determine whether a consumer item is in the user environment; and

wherein the intelligent purchasing agent accesses purchasing information from the

order collection system; and wherein the intelligent purchasing agent generates a

consumer item order; and wherein the trader unit receives the consumer item order

from the purchasing unit as well as wherein the trader unit includes a purchasing

processor for selecting a communications network business to fulfill the consumer item

order.

Regarding claim 4 and related claim 15, Slotznick teaches a purchasing system wherein

the monitoring unit includes: (a) an order collection system for sensing a consumer item

demand signal from the user environment (see at least Abstract and Col 4, lines 11 –

15); and (b) an intelligent monitoring agent linked with the order collection system and

with the purchasing unit for generating purchasing information from the consumer item

demand signal (Col 4, lines 11 – 25) and (5) wherein the monitoring unit further includes

an inventory collection system linked with the intelligent monitoring agent for sensing a

consumer item stock signal from the user environment (Col 4, lines 35 – 37) as well as

(6) wherein the purchasing unit includes an intelligent purchasing agent linked with the

intelligent monitoring agent and with the trader unit for assessing the purchasing

information (Col 4, lines 11 – 37).

Regarding claim 7, Slotznick teaches a purchasing system wherein the intelligent

purchasing agent accesses purchasing information from the inventory collection system

to determine whether a consumer item is in the user environment (Col 4, lines 37 – 55).

Regarding claim 8, Slotznick teaches a purchasing system wherein the intelligent

purchasing agent accesses purchasing information from the order collection system

(Col 11 – 55).

Regarding claim 9, Slotznick teaches a purchasing system wherein the

intelligent purchasing agent generates a consumer item order (Col 4, lines 13 – 15) and

(10) wherein the trader unit receives the consumer item order from the purchasing unit

(see at least Col 9, lines 57 – 60).

Regarding claim 11, Slotznick a purchasing system according to claim 10 wherein the

trader unit includes a purchasing processor for selecting a communications

network business to fulfill the consumer item order (Col 9, lines 57 – 60)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to have provided the combination of Manchala and Salvo with the method, system and

computer code of Slotznick to enable a purchasing system wherein the monitoring unit

includes: (a) an order collection system for sensing a consumer item demand signal

from the user environment; and (b) an intelligent monitoring agent linked with the order

collection system and with the purchasing unit for generating purchasing information from the consumer item demand signal; and wherein the monitoring unit further includes an inventory collection system linked with the intelligent monitoring agent for sensing a consumer item stock signal from the user environment; and wherein the purchasing unit includes an intelligent purchasing agent linked with the intelligent monitoring agent and with the trader unit for assessing the purchasing information; and wherein the intelligent purchasing agent accesses purchasing information from the inventory collection system to determine whether a consumer item is in the user environment; and wherein the intelligent purchasing agent accesses purchasing information from the order collection system; and wherein the intelligent purchasing agent generates a consumer item order; and wherein the trader unit receives the consumer item order from the purchasing unit as well as wherein the trader unit includes a purchasing processor for selecting a communications network business to fulfill the consumer item order. The combination of Manchala and Salvo discloses a monitoring unit linked to the purchasing unit, which obtains purchasing information in accordance with user parameters and purchasing unit and generates an order as well as an accountor linked with the purchasing unit for tracking each user item ordered and establishes a financial trend such as purchases. Slotznick discloses a purchasing system wherein the monitoring unit includes: (a) an order collection system for sensing a consumer item demand signal from the user environment; and (b) an intelligent monitoring agent linked with the order collection system and with the purchasing unit for generating purchasing information from the consumer item demand signal over a

network (Abstract and Col 8, lines 23 – 38). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Manchala and Salvo with a method and system for a purchasing system wherein the monitoring unit includes: (a) an order collection system for sensing a consumer item demand signal from the user environment; and (b) an intelligent monitoring agent linked with the order collection system and with the purchasing unit for generating purchasing information from the consumer item demand signal over a network. In that regard, the method and system will incorporate an intelligent agent, which will monitor both order information from the user/consumer directly – as well inventory levels and automatically order the required part/consumable. Indeed, the method and system will be able to learn as more transactions are completed which in turn will ease the workload on the consumer/user. As importantly, their satisfaction will be increased with the vendor for providing these automatic and intelligent agent enable capabilities, which will significantly increase their satisfaction through lower overall cost. Moreover, the probability will be significantly enhanced too that the user/consumer will continue using the vendor offering these capabilities – and thus the vendor will enjoy additional business.

Response to Arguments

Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

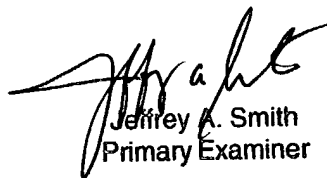**Alexandria, Va. 22313-1450**

or faxed to:

(703) 872-9306   [Official communications; including

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"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th floor receptionist.

RER

Jeffrey A. Smith
Primary Examiner